

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

THE ESTATE OF JAMES FRANKLIN PERRY,
by BETTIE A. RODGERS, Special Administrator,
and JAMES FRANKLIN PERRY JR. (a Minor),

Plaintiffs,

v.

Case No. 12-C-0664

CHERYL WENZEL, R.N., DEPUTY KICKBUSH, NICOLE
VIRGO, R.N., TINA WATTS, R.N., SERGEANT FATRENA
HALE, SHERIFF DAVID A. CLARK, KELLY KIECKBUSCH,
ABIE DOUGLAS, ANTHONY ARNDT, SHEILA JEFF,
DARIUS HOLMES, RICHARD E. SCHMIDT, RICHARD LOPEZ,
FRANK SALINSKY, STEPHON BELL, MARGARITA
DIAZ-BERG, ALEXANDER C. AYALA, FROILAN SANTIAGO,
KARL ROBBINS, CRYSTAL JACKS, COREY KROES,
RICK BUNGERT, LUKE LEE, JACOB IVY, SHANNON D.
JONES, RICHARD MENZEL, EDWARD FLYNN, ROMAN [sic]
GALAVIZ, VICTOR E. BEECHER, THE CITY OF
MILWAUKEE, MILWAUKEE COUNTY, WISCONSIN COUNTY
MUTUAL INSURANCE CORPORATION, AURORA SINAI
MEDICAL CENTER, PAUL J. COOGAN, BECKY POTTERTON,
ABC INSURANCE COMPANY, and WISCONSIN PATIENTS
COMPENSATION FUND,

Defendants.

**AFFIDAVIT OF SUSAN E. LAPPEN IN SUPPORT OF
MOTIONS IN LIMINE OF THE CITY OF MILWAUKEE DEFENDANTS**

STATE OF WISCONSIN)
) ss:
MILWAUKEE COUNTY)

1. I am an Assistant City Attorney for the City of Milwaukee, and I represent the
City of Milwaukee defendants in the above-captioned matter.

2. I have personal knowledge of the information averred to herein.



3. Attached as Exhibit SL-1 is a copy of the April 1, 2015 report of Michelle Sandry, who was employed at that time as an educational consultant with the Wisconsin Department of Justice, Division of Law Enforcement Services, Training and Standards Bureau.

4. This report was prepared at my request, as I had asked Ms. Sandry to act as an expert witness for the City of Milwaukee Defendants in the instant case, to respond to the *Monell* issues raised by the Plaintiffs, regarding Milwaukee Police Department policies, procedures and training.

5. Specifically, I asked Ms. Sandry to provide opinions as to whether or not certain related MPD policies and practices were consistent with those mandated by the Wisconsin Department of Justice, regarding temporary holding facilities located in the State of Wisconsin.

6. Attached as Exhibit SL-2 is a copy of the expert report submitted by Plaintiffs' Police-Practices expert, Robert Prevot. This report is attached to this affidavit to assist the Court. The City Defendants respectfully note that the affidavit has been submitted to the Court in the context of summary judgment briefing, and can also be found in the record as Document 72-1.

7. Attached as Exhibit SL-3 is a copy of the expert report submitted by Plaintiffs' medical expert, Rachel Waldron. This report is attached to this affidavit to assist the Court. The City Defendants respectfully note that the affidavit has been submitted to the Court in the context of summary judgment briefing, and can also be found in the record as Document 72-2.

8. Attached as Exhibit SL-4 is a copy of excerpts from the transcript generated from the February 12, 2015 deposition of Robert Prevot.

9. Attached as Exhibit SL-5 is a copy of excerpts from the transcript generated from the deposition of Rachel Waldron, which was begun on January 30, 2015, and which was concluded on March 26, 2015.

10. Attached hereto as Exhibit A is a true and correct copy of the relevant portions of Anglia Garner's August 12, 2014, deposition transcript.

11. Attached hereto as Exhibit B is a true and correct copy of Exhibit No. 91 from Anglia Garner's August 12, 2014, deposition (Petition for Permanent Guardianship of JFP, Jr.)

12. Attached hereto as Exhibit C is a true and correct copy of Exhibit No. 95 from Anglia Garner's August 12, 2014, deposition (Verification of Kinship Care payments paid to Anglia Garner on behalf of JFP, Jr.)

s/Susan E. Lappen
SUSAN E. LAPPEN

Subscribed and sworn to before me
this 25th day of February, 2019.

s/Cynthia Reynolds
State of Wisconsin, Notary Public
My Commission expires 1/24/2021

1032-2012-1529.001/257149